

Visclosky	Wasserman	Welch
Walz	Schultz	Wilson (FL)
	Watson Coleman	

NOT VOTING—16

Blumenauer	Clawson (FL)	Moore
Brady (PA)	Esty	Stewart
Buchanan	Graves (MO)	Waters, Maxine
Carter (TX)	Gutiérrez	Yarmuth
Castro (TX)	Heck (WA)	
Clarke (NY)	Lynch	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1401

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CASTRO of Texas. Mr. Speaker, my vote was not recorded on rollcall No. 450, the Motion on Ordering the Previous Question to the Rule providing for consideration of H.R. 1599 and H.R. 1734. I was not present for the vote due to attending a national security briefing at the White House. I intended to vote “nay.” On rollcall No. 451, the Rule providing for consideration of H.R. 1599 and H.R. 1734, I intended to vote “nay.”

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker’s approval of the Journal, which the Chair will put de novo.

The question is on the Speaker’s approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCCARTHY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 249, noes 169, answered “present” 2, not voting 13, as follows:

[Roll No. 452]

AYES—249

Abraham	Byrne	Davis (CA)
Aderholt	Calvert	Davis, Danny
Allen	Capps	DeGette
Amodei	Cárdenas	DeLauro
Ashford	Carney	DeBene
Barletta	Carson (IN)	DeSaulnier
Barton	Cartwright	DesJarlais
Beatty	Castro (TX)	Deutch
Becerra	Chabot	Dingell
Bera	Chaffetz	Doggett
Bilirakis	Chu, Judy	Donovan
Bishop (GA)	Cicilline	Doyle, Michael
Bishop (UT)	Clay	F.
Black	Cleaver	Duncan (SC)
Blackburn	Cohen	Duncan (TN)
Blum	Cole	Edwards
Bonamici	Collins (NY)	Ellison
Boustany	Comstock	Emmer (MN)
Brady (TX)	Cook	Engel
Brat	Cooper	Eshoo
Bridenstine	Courtney	Farr
Brooks (AL)	Cramer	Fattah
Brooks (IN)	Crawford	Fincher
Brown (FL)	Crenshaw	Fleischmann
Bustos	Crowley	Forbes
Butterfield	Cuellar	Fortenberry

Foster	Lofgren	Ross
Frankel (FL)	Long	Rothfus
Franks (AZ)	Loudermilk	Royce
Frelinghuysen	Love	Ruiz
Gabbard	Lowenthal	Ruppersberger
Gallego	Lucas	Rush
Garamendi	Luetkemeyer	Russell
Garrett	Lujan Grisham	Ryan (WI)
Gibbs	(NM)	Salmon
Goodlatte	Luján, Ben Ray	Sanford
Graham	(NM)	Scalise
Granger	Lummis	Schiff
Graves (LA)	Maloney,	Schweikert
Grayson	Carolyn	Scott (VA)
Griffith	Marino	Scott, Austin
Grothman	Massie	Scott, David
Guthrie	McCarthy	Sensenbrenner
Hahn	McCaul	Sessions
Hardy	McClintock	Sherman
Harper	McCollum	Shimkus
Harris	McHenry	Shuster
Hensarling	McMorris	Simpson
Higgins	Rodgers	Smith (NE)
Himes	Meadows	Smith (NJ)
Hinojosa	Meeks	Smith (TX)
Huelskamp	Meng	Smith (WA)
Huffman	Messer	Speier
Hultgren	Mica	Stefanik
Hunter	Miller (MI)	Stewart
Hurd (TX)	Moolenaar	Stutzman
Hurt (VA)	Mullin	Takai
Jackson Lee	Nadler	Takano
Jeffries	Napolitano	Thornberry
Johnson (GA)	Neugebauer	Tiberi
Johnson, E. B.	Newhouse	Titus
Johnson, Sam	Noem	Trott
Jolly	Nunes	Tsongas
Jones	O'Rourke	Upton
Kaptur	Olson	Van Hollen
Katko	Palmer	Wagner
Keating	Pascrell	Walorski
Kelly (IL)	Pearce	Walters, Mimi
Kelly (MS)	Pelosi	Walz
Kelly (PA)	Perlmutter	Wasserman
Kildee	Pingree	Schultz
King (IA)	Pittenger	Webster (FL)
King (NY)	Pitts	Welch
Kline	Pocan	Wenstrup
Knight	Pompeo	Westerman
Kuster	Posey	Westmoreland
Labrador	Price (NC)	Williams
LaMalfa	Quigley	Wilson (FL)
Lamborn	Reichert	Wilson (SC)
Larsen (WA)	Ribble	Womack
Larson (CT)	Roby	Yarmuth
Latta	Rogers (KY)	Young (IA)
Levin	Rokita	Young (IN)
Lipinski	Rooney (FL)	Zeldin
Loebsock	Roskam	Zinke

NOES—169

Adams	Diaz-Balart	Kilmer
Aguilar	Dold	Kind
Amash	Duckworth	Kinzing (IL)
Babin	Duffy	Kirkpatrick
Barr	Ellmers (NC)	Lance
Bass	Farenthold	Langevin
Benishek	Fitzpatrick	Lawrence
Beyer	Fleming	Lee
Bishop (MI)	Flores	Lewis
Bost	Fox	Lieu, Ted
Boyle, Brendan	Fudge	LoBiondo
F.	Gibson	Lowey
Brownley (CA)	Gosar	MacArthur
Buck	Gowdy	Maloney, Sean
Bucshon	Graves (GA)	Marchant
Burgess	Green, Al	Matsui
Capuano	Green, Gene	McDermott
Carter (GA)	Guinta	McGovern
Castor (FL)	Hanna	McKinley
Clark (MA)	Hartzler	McNerney
Clarke (NY)	Hastings	McSally
Clyburn	Heck (NV)	Meehan
Coffman	Herrera Beutler	Miller (FL)
Collins (GA)	Hice, Jody B.	Mooney (WV)
Conaway	Hill	Moulton
Connolly	Holding	Mulvaney
Conyers	Honda	Murphy (FL)
Costa	Hoyer	Murphy (PA)
Costello (PA)	Hudson	Neal
Culberson	Huizenga (MI)	Nolan
Cummings	Israel	Norcross
Curbelo (FL)	Issa	Nugent
Davis, Rodney	Jenkins (KS)	Palazzo
DeFazio	Jenkins (WV)	Pallone
Delaney	Johnson (OH)	Paulsen
Delham	Jordan	Payne
Dent	Joyce	Perry
DeSantis	Kennedy	Peters

Peterson	Ryan (OH)	Torres
Poe (TX)	Sánchez, Linda	Turner
Poliquin	T.	Valadao
Polis	Sanchez, Loretta	Vargas
Price, Tom	Sarbanes	Veasey
Rangel	Schakowsky	Vela
Ratcliffe	Schrader	Velázquez
Reed	Serrano	Visclosky
Renacci	Sewell (AL)	Walberg
Rice (NY)	Sinema	Walden
Rice (SC)	Sires	Walker
Richmond	Slaughter	Watson Coleman
Rigell	Smith (MO)	Weber (TX)
Roe (TN)	Stivers	Whitfield
Rogers (AL)	Swalwell (CA)	Wittman
Rohrabacher	Thompson (CA)	Woodall
Ros-Lehtinen	Thompson (MS)	Yoder
Rouzer	Thompson (PA)	Yoho
Roybal-Allard	Tipton	Young (AK)

ANSWERED “PRESENT”—2

Gohmert	Tonko
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NOT VOTING—13

Blumenauer	Esty	Lynch
Brady (PA)	Graves (MO)	Moore
Buchanan	Grijalva	Waters, Maxine
Carter (TX)	Gutiérrez	
Clawson (FL)	Heck (WA)	

□ 1408

So the Journal was approved.

The result of the vote was announced as above recorded.

OFFICIAL PHOTOGRAPH OF 114TH CONGRESS

The SPEAKER. Pursuant to House Resolution 292, this time has been designated for the taking of the official photo of the House of Representatives in session.

The House will be in a brief recess while the Chamber is being prepared for the photo. As soon as the photographer indicates that these preparations are complete, the Chair will call the House to order to resume its actual session for the taking of the photograph. At that point the Members will take their cues from the photographer. Shortly after the photographer is finished, the House will proceed with business.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess while the Chamber is being prepared.

Accordingly (at 2 o'clock and 10 minutes p.m.), the House stood in recess.

□ 1414

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 14 minutes p.m.

(Thereupon, the Members sat for the official photograph of the House of Representatives for the 114th Congress.)

RECESS

The SPEAKER. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the chair.

Accordingly (at 2 o'clock and 15 minutes p.m.), the House stood in recess.

□ 1600

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HUDSON) at 4 p.m.

HOUR OF MEETING ON TOMORROW

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

IMPROVING COAL COMBUSTION RESIDUALS REGULATION ACT OF 2015

GENERAL LEAVE

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill, H.R. 1734.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 369 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1734.

The Chair appoints the gentleman from Illinois (Mr. HULTGREN) to preside over the Committee of the Whole.

□ 1602

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1734) to amend subtitle D of the Solid Waste Disposal Act to encourage recovery and beneficial use of coal combustion residuals and establish requirements for the proper management and disposal of coal combustion residuals that are protective of human health and the environment, with Mr. HULTGREN in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Illinois (Mr. SHIMKUS) and the gentleman from New Jersey (Mr. PALLONE) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. SHIMKUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in December of last year, EPA put out its final rule for coal ash. We applaud EPA's decision to regulate coal ash under subtitle D, confirming what we have been saying all along, that coal ash is not hazardous.

All you have to do is talk to any of the thousands of coal ash recyclers across the country, and they will tell

you that not only is coal ash not hazardous, it is an essential component in their product. However, the rule remains seriously flawed; and implementation will result in confusion, conflict, and a lot of needless litigation.

A fundamental flaw with the rule is that it is self-implementing, which means that, now that EPA has finalized the rule, going forward, there will be zero regulatory oversight of coal ash by the EPA. What this means is that all of the requirements in the final rule, no matter how protective you believe they are, will be interpreted and implemented by the utilities with no oversight or enforcement by the EPA or the States.

This leads us to one of the other key flaws with the final rule, which is that it is enforceable only through citizen suits. Think about that; the final rule sets out a complex set of technical requirements for coal ash, but interpreting what they mean and how to implement them is left entirely to the regulated community with citizen lawsuits in Federal Court as the only mechanism for enforcement.

This will result in an unpredictable array of regulatory interpretations as judges throughout the country are forced to make technical compliance decisions that are better left to a regulatory agency.

Under current law, State permit programs will not operate in lieu of the final coal ash rule. Even if States adopt the final rule, regulated entities must comply with the requirements in the Federal rule and their State. This means, even if a utility was in full compliance with their State coal ash permit, they could and would be sued for noncompliance with the Federal rule.

The Western Governors' Association said it best in a letter to the House and Senate leadership on May 15 of this year:

Unfortunately, EPA's final rule produces an unintended regulatory consequence in that it creates a dual Federal and State regulatory system. This is because EPA is not allowed under RCRA subtitle D to delegate the CCR program to States in lieu of the Federal program.

Also, the rule does not require facilities to obtain permits, does not require States to adopt and implement new rules, and cannot be enforced by EPA. The rule's only compliance mechanism is for a State or citizen group to bring a citizen suit in Federal District Court under RCRA section 7002. This approach marginalizes the role of State regulation, oversight, and enforcement.

This brings us to where we are today, in need of legislative solution to address the fundamental flaws with the final rule. H.R. 1734 is the solution. The bill addresses the self-implementing aspect of the final rule, as well as the problem with citizen suit enforcement, by establishing enforceable permit programs that directly incorporate the technical requirements of the final rule.

The bill will ensure that every State has a coal ash permit program, that

every permit program will contain all of the minimal Federal standards or something more stringent, and that the technical requirements of EPA's final rule are implemented with direct regulatory oversight and enforcement.

The bill requires owners and operators to take actions such as preparing a fugitive dust control plan and conducting structural stability inspections within 8 months from the date of enactment, which makes compliance with these and other requirements directly in line with the timeframe for compliance under the final rule.

Notably, H.R. 1734 also requires owners and operators to begin groundwater monitoring within 36 months from the date of enactment with State environmental agencies immediately ensuring compliance, rather than having to wait for the courts.

It treats inactive surface impoundments in exactly the same manner as the final rule; applies all of the location restrictions from the final rule to the new surface impoundments and expansions of existing impoundments; and will ensure all relevant information—including all information associated with the issuance of permits, all groundwater monitoring data, structural stability assessments, emergency action plans, fugitive dust control plans, information regarding corrective action remedies, and certifications regarding closure—be made available on the Internet.

H.R. 1734 expressly protects the ability to file citizen suits under RCRA while ensuring parties to a lawsuit demonstrate actual harm from the coal ash and not just that a utility allegedly violated the requirements of the rule.

Some say that the bill "goes too far" because it allows States to exercise flexibility and make site-specific, risk-based decisions. Others say that the bill is a "giveaway" to the utilities or that allowing the States to exercise the same flexibility available under other RCRA permit programs "weakens" the requirement of the final rule.

To that, we say H.R. 1734 simply gives the States the same authority to implement coal ash permit programs that they have for other RCRA subtitle D and even subtitle C permit programs.

We trust the States are in the best position to analyze the local conditions and make risk-based permit decisions. We also know EPA trusts the States because EPA relies on the States for the implementation and enforcement of RCRA.

As we have heard before from the Environmental Council of the States and the Association of State and Territorial Solid Waste Management Officials and from the States themselves, they welcome the new minimum Federal requirements, are up to the task of regulating coal ash, and strongly support H.R. 1734.

In addition to ECOS and ASTSWMO, H.R. 1734 enjoys support from a wide array of stakeholders, including Utility